

USSN: 09/854,824

Docket No.: 56466US002

REMARKS

Claims 1-39 are pending in the application. Claims 1, 14-15, and 39 have been amended. Support for the changes can be found throughout the Specification, and in particular, on page 16, lines 13-27.

Supplemental Disclosure Statement

Upon review of the file, it was noted that the initialed Form PTO-1449 filed with the Supplemental Disclosure Statement dated April 1, 2003 has not been received. The same PTO Form 1449 was also noted in the last response filed November 3, 2003. It is respectfully requested that the Examiner initial the Form PTO-1449, a copy of which is enclosed for the Examiner's convenience, and return it to the undersigned attorney.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-39 are rejected under 35 U.S.C. § 103(a) as obvious over USPN 5,702,716 to Dunn in combination with USPN 5,719,197 to Kanios. The Examiner cites Dunn for the teaching of a polymer system "prepared by combining the liquid composition into a microporous solid polymer matrix which is biodegradable and/or bioerodible. . . for delivery of active substances to the body. . ." The Examiner acknowledges that Dunn does not teach a support layer and relies on Kanios for that disclosure.

Applicants respectfully submit that the Examiner has confused biodegradable/bioerodible with soluble or dispersible. Dunn specifically requires a "polymer which is insoluble in aqueous medium or human or animal bodily fluids" (see col. 3, lines 63-66 and col. 2, lines 39-41). As defined by Dunn, "biodegradation enables the patient to metabolize the polymer matrix so that it can be excreted by the patient without the need for further surgery to remove it." (see col. 4, lines 1-6).

Kanios also requires a "substantially water-free and water-insoluble" (col. 9, lines 37-58). Both references fail to teach that any layer is composed of water soluble/water dispersible material. Further, neither teaches the use of a support layer releasably adhered to a water-soluble/water-dispersible carrier.

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Dunn fails to disclose water-soluble polymer layers either alone or in combination with Kanios. Applicants request that the rejections under 35 U.S.C. § 103(a) should be withdrawn.

Conclusion

In view of the arguments offered herein, Applicants respectfully submit that the Examiner's grounds for objection and rejection are overcome and respectfully solicit reconsideration and withdrawal of the rejections to place the application in condition for allowance.

Registration Number 44,856	Telephone Number (651) 733-2180
Date April 27, 2004	

Respectfully submitted,

By Nancy M. Lambert
Nancy M. Lambert

56446US002 Response to OA 7-2-03
Office of Intellectual Property Counsel
3M Innovative Properties Company
P.O. Box 33427
St. Paul, Minnesota 55133-3427
Facsimile: (651) 736-3833